

HOUSE No. 328**The Commonwealth of Massachusetts**

PRESENTED BY:

Stephen L. DiNatale*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Scrap Metal Dealers.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------|-----------------------------|
| William N. Brownsberger | 24th Middlesex |
| Candaras, Gale (SEN) | First Hampden and Hampshire |
| Stephen L. DiNatale | 3rd Worcester |
| John V. Fernandes | 10th Worcester |
| Jennifer L. Flanagan | Worcester and Middlesex |
| Jehlen, Patricia (SEN) | Second Middlesex |
| Barbara A. L'Italien | 18th Essex |
| Denise Provost | 27th Middlesex |
| Dennis Rosa | 4th Worcester |
| John J. Binienda | 17th Worcester |
| Jennifer M. Callahan | 18th Worcester |
| Rosemary Sandlin | 3rd Hampden |
| Bruce J. Ayers | 1st Norfolk |
| Elizabeth Poirier | 14th Bristol |
| Antonio F.D. Cabral | 13th Bristol |
| David B. Sullivan | 6th Bristol |
| Robert A. O'Leary | Cape and Islands |
| Richard J. Ross | 9th Norfolk |
| James J. O'Day | 14th Worcester District |

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|----------------------|-----------------------------|
| Robert F. Fennell | 10th Essex |
| Paul McMurtry | 11th Norfolk |
| Susan C. Fargo | Third Middlesex |
| Kathi-Anne Reinstein | 16th Suffolk |
| Thomas P. Conroy | 13th Middlesex |
| Mark C. Montigny | Second Bristol and Plymouth |

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO SCRAP METAL DEALERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 140 of the General Laws is hereby amended by inserting after section 54A the following section:-

Section 54B. Applies to any activity licensed under Sections 54 and 54A

A dealer licensed under section 54 shall comply with the following procedures when purchasing any metal product. Excluding metal recyclers or metal refiners who purchase used, spent or encapsulated metals by means of a purchase order and invoicing.

(a) The Dealer shall keep a daily transaction log, in the English language, an account and description of all materials purchased (i.e. copper wire, copper tubing, aluminum windows, etc.), the quantity purchased (i.e. pounds, tons etc.) the material grade (i.e. #1 copper, etc.) and any unique distinguishing characteristic observed, if any, along with the name and residence of the person selling the metal. The record file shall be retained by the Dealer for a period of one (1) year from the date of the transaction. Accompanying documentation may be destroyed following the one year period. If documentation is stored electronically said documents must be stored or backed-up by any current electronic means and may be deleted at the completion of the one year period.

(b) The Dealer shall ascertain the identity of the seller of the metals by requiring him to produce a Massachusetts photo identification, and maintaining a copy of the same in the record of transaction.

(c) During the one year period, the log shall be open for inspection by the state and local police.

(d) Failure to comply with the above procedures shall be cause for the revocation of the dealer's license.